

REMARKS

Claims 1-22 and 24-30 are pending. Independent claims 1, 4, 11, 18 and 24 have been amended. Claims 23 and 31 have been canceled.

Response to Information Disclosure Statement

On September 14, 2001, the applicant submitted an Information Disclosure Statement accompanied by a two-page Substitute Form PTO 1449. With the Office Action, the Examiner sent two copies of initialed page 1 of the Form PTO 1449, signed by the Examiner on August 18, 2004.

Applicant requests a copy of initialed page 2 of the Form PTO 1449 that was submitted on September 14, 2001.

Response to Office Action

In paragraph 1 of the Office Action, claims 1-31 were rejected under 35 USC 101 as being directed to non-statutory subject matter.

Independent claims 1, 4, 11, 18 and 24 have been amended to recite that the steps are performed "automatically, via a computer". A computer is statutory subject matter, thus, claims 1-31 recite statutory subject matter.

Withdrawal of the rejection of claims 1-31 under 35 USC 101 is requested.

In paragraph 3 of the Office Action, claims 1-31 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,297,032 (Trojan).

Each of the independent claims recites that a trading process or processes are registered as being in the crowd of a market process. Fig. 79 depicts a market process registering a trading process. The independent claims are directed to facilitating trading by notifying the crowd of a price improvement opportunity in response to a price inquiry (claim 1), providing a crowd price

that improves upon the book price (claims 4 and 18), providing a crowd price that improves upon a proposed pairing price (claims 11 and 24).

Support for the independent claims may be found in the specification at pages 30-31 and 116-117, and in Fig. 100.

Trojan is directed to a workstation for an OTC trader communicating with the NASDAQ system. Trojan is not concerned with an environment wherein a trading process or processes are registered as being in the crowd of a market process, as specifically recited in each of the independent claims, and further fails to show or suggest

- a crowd being notified of a price improvement opportunity, as specifically recited in claim 1,
- providing a crowd price that improves upon the book price, as specifically recited in claims 4 and 18, or
- providing a crowd price that improves upon a proposed pairing price, as specifically recited in claims 11 and 24.

Thus, each of independent claims 1, 4, 11, 18 and 24 is not anticipated by Trojan. Claims 2-3, 5-10, 12-17, 19-22 and 25-30 in depending from respectively from independent claims 1, 4, 11, 18 and 24, incorporate all of the features of their parent claim and each of these dependent claims is similarly patentably distinguished from Trojan.

Withdrawal of the rejection of claims 1-22 and 24-30 under 35 USC 102(b) is requested.

The Examiner is encouraged to call the undersigned to discuss any issues with this application. A Notice of Allowance is solicited.

Respectfully submitted,

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Brenda Pomerance
Brenda Pomerance
Reg. No. 36,894

Law Office of Brenda Pomerance
260 West 52 Street Ste. 27B
New York, NY 10019
voice 212 245-3940